

amount of refunds due them," it is a matter of public record that a group of Northwest utilities—net purchasers in the West's dysfunctional power markets—submitted a claim for \$680 million, as well as documentation and a proposed methodology for calculating those refunds.

That notwithstanding, this is a silence the Commission itself cannot, in the interest of fairness, sustain. FERC must seek an equitable solution for the Northwest. In order to do that I believe it is critical that FERC recognize some fundamental differences between the Northwest and California energy markets—and that fundamental fairness requires that refunds go to customers in California and the Northwest.

First, FERC needs to recognize that most Northwest participants in the California markets are load-serving utilities. These load-serving utilities are responsible for a very small percentage of the power sold into the California market—certainly no more than 4 percent—and they are clearly not the parties that broke the market. Further, many in the Northwest, especially the Bonneville Power Administration, have been partners in helping solve the California problem by keeping the lights on during emergencies, at costs to the Northwest that cannot necessarily easily be quantified—particularly when one takes into account the Northwest's endangered species and salmon issues, and the delicate balance we work hard to achieve. Every time we generate power, it is quite a delicate balance.

Unlike power marketers or merchant generators, Northwest utilities operate under a statutory obligation to meet all their customers' electricity needs. Further, our region's power supply is essentially based on hydropower. A full 78 percent of Washington state's generation comes from hydropower. As has been made painfully clear by this year's drought—which has amounted to the second worst year of drought on record in the history of our State—the vagaries of hydroelectric production require that our utilities make other wholesale power purchases to meet load. In keeping with reasonable utility planning practices, these companies buy a portfolio of products of varying duration.

This points to a second, fundamental difference between the Northwest and California markets: Whereas California utilities were forced, under the State's restructuring law, to make all of their purchases in a centralized hour-ahead or day-ahead market, we have no such centralized market in the Northwest. While we do have very short-term bilateral markets, our utilities have traditionally only used these to balance the difference between forecasted and actual loads, streamflows, weather conditions, and other similar factors.

Unlike the California ISO market, the Northwest utilities rely heavily on "forward" or long-term contracts that last for periods varying from a month

ahead to a quarter or two or even longer.

But these contracts have been closely affected by the skyrocketing spot market prices in California. It is thus absolutely crucial, for the purposes of its refund proceeding, that the FERC recognize that power prices throughout the West—and not just in spot markets, but in these forward contracts as well—are unjust and unreasonable. Washington State's prices have moved in lockstep with the spot market prices.

In its June 19 order, the Commission itself commented on this, stating that there is a "critical interdependence among prices in the ISO's organized spot markets, the prices in the bilateral spot markets in California and the rest of the West, and the prices in forward markets."

So the Commission itself has recognized the relationship between these prices. Indeed, when one compares forward contract prices in the Northwest with spot market rates both within the region and in California over the last year, they show a correlation of more than 80 percent on a monthly average basis; that is, forward prices in the Northwest have moved in tandem with California's prices, which the Commission has deemed unjust and unreasonable. It is these forward prices that have largely driven the rate increases in the Northwest.

It is clear, then, that any FERC refund order that seeks to treat all Western participants fairly, as the Power Act says it must, must recognize the relationship between spot markets and forward markets.

Simply put, any refund policy must not disadvantage the utilities in the Northwest because of the contractual mechanism they have used to acquire power.

Let me just touch on the case of BPA because I mentioned it earlier. Throughout this crisis, BPA has responded to the California ISO's urgent calls for power supply when the State was teetering on the edge of rolling blackouts. In fact, on three separate occasions, the Department of Energy issued emergency orders directing Bonneville to sell power into the State of California. It should also be noted, however, that California entities have yet to repay BPA for about \$100 million of these transactions.

As one of these entities has entered into bankruptcy, it remains questionable how the Northwest will ever receive this \$100 million repayment. Meanwhile, BPA has at times drawn down its reservoirs, arguably compromising the reliability of Northwest power system to aid California. So while BPA has sold into the California spot market, it has actually been a net purchaser during the crisis, when one takes into account its forward contracts. And when faced with the volatile energy prices throughout the West, Bonneville earlier this year made the difficult decision to pay consumers to

curtail their loads rather than to venture into the market.

I mentioned various of those efforts earlier in my remarks about the aluminum industry. Bonneville and the Northwest customers it serves have been victims of the power crisis touched off by this experimentation in partial deregulation, which has created this dysfunctional market.

In conclusion, it is important that the Commission act fairly and that my State's utilities not be penalized for sales into California when they have been forced to purchase power at a similar unjust and unreasonable rate.

It is very important that the Commission work toward a solution that gives the Northwest refunds, just as it is promising to do in California. FERC must work towards a comprehensive settlement that addresses the claims of both California and the Northwest. In order to reach an equitable solution, it must acknowledge the fundamental differences in the two markets. I believe a fair outcome requires FERC to take a few simple steps.

First, FERC must recognize an inescapable commonsense conclusion: that all Western power markets have been dysfunctional for quite some time. The Commission's duty under the Federal Power Act is to ensure just and reasonable rates in all markets at all times. I urge the Commission to act in accordance with section 309 of the Power Act in doing this.

Second, power prices have been unjust regardless of the type of market which the Northwest operates in. The fact is, we in the Northwest have a different market than California, and FERC simply cannot use the same formula when calculating refunds for our consumers. It must take into account both forward and long-term contracts. Those utilities that can, using this methodology, demonstrate a legitimate complaint should receive refunds.

Third, FERC must not leave the Northwest behind. Northwest utilities must be allowed to plead their case during the upcoming evidentiary hearing.

Finally, repayments of amounts due to the Northwest for sales into California must be an integral part of any refund calculation.

I call on the FERC Commissioners to incorporate these principles into a refund policy for the Northwest. It is indisputable that the Northwest has been harmed. Now it is up to FERC to take the action to mitigate those damages and to repay the consumers in Washington State.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE GREAT COMPROMISE

Mr. BYRD. Mr. President, 214 years ago today, on July 16, 1787, the members of the Constitutional Convention agreed to what is known as the Great Compromise. Edmund Randolph, on May 29, 1787, had introduced the "Virginia Plan", drafted by James Madison,

which provided for a Senate and a House of Representatives and would replace the unicameral legislature under the Articles of Confederation. Randolph had described the plan as designed to promote "peace, harmony, happiness, and liberty." Under the Virginia plan, both Houses of Congress would be apportioned by population, an arrangement that would favor larger states like Virginia, the State of Pennsylvania, the State of Massachusetts.

On June 15, William Patterson had countered with the "New Jersey" plan, which was really a series of amendments designed to strengthen rather than replace the Articles of Confederation. Its supporters, representing the smaller States, worried that the Virginia Plan went too far in creating a central government and that it would diminish the power of the individual States. However, the Delegates rejected the New Jersey Plan and committed themselves to the creation of a new form of government.

The smaller States had lost the first battle, but they had enough votes to keep the Convention from succeeding, unless it was agreed that the new government would firmly protect their rights, the rights of the smaller States. They demanded the same equality of the States that had existed under the Articles of Confederation. On July 1, the Convention split 5 to 5 on the issue. The Georgia Delegates were split and did not vote. This tie represented a deadlock between the conflicting demands of the larger and smaller States.

When the Convention recessed to celebrate the Fourth of July, the Delegates appointed a special Committee to solve the dispute. Elbridge Gerry of Massachusetts chaired the Committee which devised a compromise that apportioned the House by population and gave the states equality in the Senate. Inasmuch as the idea for the special Committee had been proposed by Roger Sherman, a Connecticut Delegate, the "Great Compromise" is also known as the "Connecticut Compromise." In promoting the plan, William Samuel Johnson of Connecticut explained that under this arrangement the two Houses of Congress would be "halves of a unique whole."

The Great Compromise is one of the more momentous events in our country's history. Most people are probably unaware of it or have forgotten their high school days during which they should have learned about it. But for the Great Compromise, the course of our country's history might have been forever altered.

Fortunately for us, the men who attended the Philadelphia Convention were some of the ablest and brightest leaders of the time, in fact, of any time. What a gathering that was. Never before, since the Last Supper at which our Lord sat and broke bread with those about the table, was there a gathering like this one in Philadelphia, 214 years ago today.

What a gathering that was! Never before had there been such an abundance

of wisdom and learning, grace and dignity—not since the Roman Senate had gathered and been observed by Cineas, the Ambassador of Pyrrhus, King of Epirus, who visited the Roman Senate at the behest of Pyrrhus.

Cineas, the philosopher, was charged by Pyrrhus to present a peace proposal to the Roman Senate. Cineas had brought with him bribes for Roman Senators. He had brought with him rich robes for the wives of Senators. But he had found no takers—none. Cineas was impressed. The sight of this great city, the city of Rome of the seven hills, its austere manner, and its patriotic zeal, struck Cineas with admiration. When he had heard the deliberations of the Roman Senate and he had observed its men, he reported to Pyrrhus that here was no mere gathering of venal politicians, here was no haphazard council of mediocre minds, but, in dignity and statesmanship, veritably "an assemblage of kings."

How fortunate to have been one of the members of the Constitutional Convention. Never before or after, since conclaves on Mount Olympus, attended by the "gods of Greece" in Rome, has there been a gathering like it. From Virginia alone, there were George Washington, James Madison, George Mason, Edmund Randolph. From Massachusetts, there were Elbridge Gerry and Rufus King. From Pennsylvania, there were James Wilson, Benjamin Franklin, and the man with the peg leg, Gouverneur Morris. And from New York, there was the great Alexander Hamilton—small in stature but large in wisdom. Here was a constitutional "dream team" for the ages. Fifty-five men, in all, presented their credentials at the Convention, representing every State, save one—Rhode Island. And with passion and gusto, they had set about devising a plan that would create a new nation.

In our own time, in these sometimes disgustingly partisan days, many of us are prone to overlook the tremendous physical and mental effort expended in drafting the Constitution. In reading this short document—here it is, the Constitution of the United States. I hold it in my hand. In reading this short document with its precise and careful phrases, it is easy to forget the toil, the sweat, the prayers, the concerns, the frustrations, the shouting, and the argumentation and the thinking and the pleading and the speeches that went into its creation during that hot Philadelphia summer.

Progress was so slow that upon one occasion, we will remember that Benjamin Franklin, the oldest man in the gathering, stood to his feet and addressed the chair in which sat Gen. George Washington. He said:

Sir, I have lived a long time, and the longer I live the more convincing proof I see that God still governs in the affairs of men. And if a sparrow cannot fall to the ground without our Father's notice, is it possible that we can build an empire without our Father's aid?

The greatest sticking point, and the most threatening that was encountered

in framing the Constitution, according to Madison, was the question of whether States should be represented in Congress equally or on the basis of population. The question was far from academic. The small States feared that they would be swallowed up in a more centralized union; The Constitution must be acceptable to the small States, as well as to the large States. The large States of Virginia, Massachusetts, and Pennsylvania were looked upon by the smaller States with fear and distress. The small States feared that a Congress based on population would be dominated by the large States. Virginia would have 16 times as many votes as would Delaware. And this fact led New Jersey's Delegates to declare that they would not be safe to allow Virginia to have such power. They rejected the Virginia Plan, which had been presented by Gov. Edmund Randolph, and they proposed a Congress with a single legislative chamber in which the States had an equal vote, as had been the case with the Congress under the Articles of Confederation.

The Continental Congress had been a single chamber. It was followed by the Congress under the Articles of Confederation in 1781, again a unilateral legislative branch. It was the legislative, it was the executive, and to a degree it was the judicial—all in one. There was no chief executive, no president, no king, in the form of an individual. Congress was the executive under the Confederation.

There had been days and weeks of prolonged and acrimonious debate, but the issue had not been resolved. There were suggestions that the State boundaries should be redrawn so that the States would all be of roughly the same size. Connecticut advanced a proposal, initially made by Roger Sherman, calling for equal representation of States in the Senate. This had failed to win support, with James Madison, surprisingly, labeling it as unjust.

Can you hear the rafters ring? The doors were closed. Sentries were at the door. Nobody outside knew what was going on. Rufus King of Massachusetts had angrily announced that he would not listen to any talk of equal representation in the Senate. James Wilson of Pennsylvania maintained that the small States had nothing to fear from the larger States. Whereupon, Gunning Bedford of Delaware retorted, "I do not, gentlemen, trust you." And he warned his colleagues that the small States might form a confederation among themselves, or even find "some foreign ally of more honor and good faith who will take them by the hand and do them justice."

Can't you sense the tense feeling of the moment? Of course, Bedford was roundly rebuked for his words, but the threat of foreign alliances hovered above the Convention in the stale and sticky summer air. There was no air-conditioning, much like it was in this Chamber until 1929. That was the year of the great stock market crash—1929.

That same year, though, air-conditioning came to the Senate Chamber. Ah, how great it is—air-conditioning. Efforts to resolve this question, this nettlesome question “nearly terminated in a dissolution of the Convention”—it came just that close. Washington, who kept his thoughts mostly to himself, confided to Alexander Hamilton in July that he “almost despaired” of success. Roger Sherman of Connecticut lamented that “it seems we have got to a point that we cannot move one way or another.”

But the Delegates finally did settle the question on Monday, July 16, 1787—there it was—Monday, just as today—on Monday, July 16, some 2 months after the Convention began. The matter was finally resolved.

It may have been a fear of failure that led the delegates to settle the matter, because they knew that the country's future was in their hands. Exhaustion may have played a part, for the members had already spent many long days and nights in heated debate in this very heated, small Chamber. It may have been because of the heat that had tormented them for so long. Or perhaps the open exchange of opinions in that wrenching but vital process of debating and questioning and argumentation. Franklin had described the Convention as “groping . . . in the dark to find political truth”; perhaps they had at last stumbled upon it. In any event, on that great day, 214 years ago, the Delegates agreed that Congress would be composed of a Senate with equal representation for each state and a House based on proportional representation. This was the Great Compromise. That is what it was called then, and that is what it has been called ever since—the Great Compromise.

Thank God for the Great Compromise. The Senator from New Mexico, who is now presiding over this Senate, would not be here were it not for the Great Compromise. The people who sit at the bar, the officers of the Senate, the pages of the Senate, the galleries of the Senate, the Democratic whip, Senator REID of Nevada, would not be here were it not for the Great Compromise. I would not be here. None of us would be here. Think of that.

The outcome of the Convention had for so many days held by a single thread. At the very first session of the Convention, when the Delegates presented their credentials, it had been noted that the members from Delaware were prohibited from changing the Article in the Confederation which declared that “in determining questions in the United States in Congress assembled, each state shall have one vote.” Delegates from the small states had declared that “no modification whatever could reconcile the smaller States to the least diminution of their equal sovereignty.” They would have left Philadelphia without accomplishing their goal.

After weeks of anxious debate, it had been voted that the “rule of suffrage in

the first branch ought not to be according to that established in the Articles of Confederation”. In other words, the Delegates from the large states succeeded in defeating equal representation in the lower branch—Ellsworth moved that “the rule of suffrage in the second branch be the same with that established by the Articles of Confederation.” In supporting this motion he declared that he was “not sorry on the whole that the vote just passed, had determined against this rule in the first branch. He hoped it would become a ground of compromise with regard to the second branch.”

Ellsworth later said: “We were partly national; partly federal. The proportional representation in the first branch was conformable to the national principle and would secure the large states against the small. An equality of votes was conformable to the federal principle and was necessary to secure the small States against the large.”

This conciliatory proposal formed the basis of the most important compromise in the history of this Republic—the Great Compromise, probably the greatest single compromise ever reached in the history of the human race. The Great Compromise.

Its acceptance was not easily attained. Wilson feared minority rule when one-third of the population in seven States might dominate two-thirds in six States. Ellsworth insisted that this fear of minority rule was groundless—groundless. Madison had considered suggesting that representation in one branch should be computed according to the number of free inhabitants only and in the other branch according to the whole number, counting the slaves as if free.

When Ellsworth's motion for allowing each State an equal vote in the second branch was brought to a vote, it was lost by a tie. This deadlock gave rise to tense debate. Can you imagine the tension in that Chamber? We have seen tensions in this Chamber during the great debate, the great civil rights debate, the Civil Rights Act of 1964—tension—the North and the South pitted against each other, and the great tensions during the Panama Canal debates.

The result was the adoption of a proposal that a special committee consisting of one member from each State should be appointed to devise and report some compromise. Three days later, on July 5, the committee presented two recommendations “on the condition that both shall be generally adopted.”

The first recommendation, in effect, provided that in the first branch of the legislature each state would have one Representative for every 40,000 inhabitants, counting three-fifths of the slaves; and that all bills for raising or appropriating money should originate in the lower branch and not be altered or amended by the second branch; and that no money should be drawn from

the public treasury but in pursuance of appropriations to be originated in the first branch. According to the second recommendation, each State was to have an equal vote in the second branch.

This compromise proposal was under debate for 10 days. And you know what? Madison hoped for its rejection. But on the morning of July 16, today, 214 years ago, God be thanked for the rising of the sun that morning 214 years ago—the whole compromise was adopted.

But the vote was close. Five states—Connecticut, New Jersey, Delaware, Maryland, and North Carolina—had voted “aye”; four states—Pennsylvania, Virginia, South Carolina, and Georgia—had voted “no”; while Massachusetts' four votes were equally divided. Thus, this momentous question had been decided by one vote!

Without the Great Compromise, it is hard to see how the Federal Convention could have proceeded; since the beginning it had been cause for battle. The effort to resolve it, Luther Martin had written later, “nearly terminated in a dissolution of the Convention.” Swords stacked upon swords and shields upon shields.

The small states were jubilant over the compromise; the large states, alarmed, tried to reorganize, recover their position. The rules of the Convention would have let them reconsider the subject, but it was hopeless. The large states knew that they were beaten, and, after July 17, they let the question die. From then on, matters moved more easily, the little states were more ready to meet the big states and were willing to yield on many questions. They felt safe, and they were no longer threatened by Virginia, Pennsylvania, Massachusetts, to them, the towering bullies. Caleb Strong told his colleagues in Boston that the federal Convention had been “nigh breaking up,” but for the compromise. Luther Martin declared in Annapolis that even Dr. Franklin had only conceded to equality in the Senate when he found that no other terms would be accepted.

Catherine Drinker Bowen, in her book, “Miracle at Philadelphia,” states that Madison “in his old age sat down a clear testimony in letters to his friends. The threatened contest in the federal Convention, he said, had not turned, as most men supposed, on the degree of power to be granted to the central government but rather on ‘the rule by which the states should be represented and vote in the government’. They questioned ‘the most threatening that was encountered in framing the Constitution.’” Those were Madison's words.

Mr. President, we should thank Providence for this miraculous document. Let me hold it again in my hand. There it is, the Constitution of the United States. We should thank Providence because Providence had to smile upon this gathering of illustrious men. Never had such a gathering of men, a

gathering of superior minds, taken place anywhere in the world. We should thank Providence for this document.

One thing is clear: Without the Great Compromise, the Senate of the United States would not exist, for this body was conceived on that day 214 years ago. In Philadelphia, when the Framers agreed to an upper house of Congress in which each State—small, like West Virginia, which did not exist then but very surely exists now—would have an equal number of votes, each State would have equal representation.

The Senate is the forum that was born on that day. But for the Great Compromise, this beloved institution—the Senate—to which so many of us have dedicated our lives and our hopes and our reputations, our strength and our talents and our visions—might never have seen the light of day, let alone played an often pivotal and dramatic role in our national history over the course of more than two centuries.

The Chamber in which we sit today owes its existence to that remarkable instance of compromise and conciliation.

But for that Compromise, no Senator could wear the great title of Senator.

It recalls to my mind Majorian, who, in the year 457 A.D. when he was made emperor of the west, said he was “A prince who still glories in the name of ‘Senator.’” None of us would be here today—the pages who are here, the Presiding Officer, the officers of the Senate—none of us would be here today. Thank God for the United States Senate. Thank God for the Great Compromise that was reached by the Framers on that day so long ago in Philadelphia.

The Romans spoke of the SPQR—Senatus Populusque Romanus: The Senate and the Roman people. Let us today, looking back on that great victory of our Framers 214 years ago, think in those Roman terms about our own Republic—Senatus Populusque Americanus.

Mr. REID. Before the Senator from West Virginia leaves the floor, I would like to say to him I watched most everything from my office and came to watch the finish.

I remind the Senator, when you were the Democratic leader, you allowed this young freshman Senator to go to the 200th anniversary of the Great Compromise in Philadelphia. We took a train over there. I had just come from the House of Representatives. It was 1987, as I recall. It was a wonderful experience to do the reenactment. You brought back many memories.

I say to my friend, the distinguished Senator from West Virginia, presently many people in America are thinking about the Founding Fathers. The reason they are doing that is because of the great work David McCullough has written about John Adams, the forgotten President. It is on the best seller list. It is a straight history book, very well written. I still have about 70 or 80 pages to go. But as I said, he is a man

to whom we have not, until now, paid much attention. He was the first Vice President, the person who became our second President. He was involved from the very beginning with the very difficult decisions made by this country. He spent 7 years of his life in Europe. He had never traveled at all. He traveled to Europe, trying to work out things during the Revolutionary War. It is a wonderful story.

Truth is stranger than fiction. As the Senator from West Virginia has so well portrayed here today, every day we should be thankful, in whatever private time we have. We should think about how fortunate we are to be able to be part of this Government and especially to be part of this Senate, which was the Great Compromise.

I extend my appreciation to my friend for reminding us of how fortunate, how blessed we are to be able to be part of this Senate and to represent the people from the various States we represent. To think, as a result of this Great Compromise, we have developed a country that is certainly imperfect but, based on this tiny little document—which, by the way, is signed by Robert C. Byrd—even though imperfect, is the finest set of standards, the finest country in the history of the world to rule the affairs of men and women.

Again I express my deep appreciation to the Senator from West Virginia for tearing at my heart a little bit, recognizing what a real patriot is. The Senator from West Virginia exemplifies that.

Mr. BYRD. Mr. President, I thank my friend for his observations.

He might well have sat in that gallery of men who debated, who disagreed, who compromised, who agreed, and who wrote that document. He cherishes it. He carries it in his pocket.

Yes, I very well remember that occasion when we went to Philadelphia. Our friend, Senator DOMENICI, the Senator from New Mexico, was there that same day.

Mr. DOMENICI. Yes, sir.

Mr. BYRD. Yes, I remember that day. I am glad we three were blessed, among others, in our being able to attend that celebration in the City of Brotherly Love, on that august occasion.

The Senator's reference to David McCullough reminds me of what a great part women have played in the creation of this country. Senator REID has mentioned John Adams. John Adams' best friend, his most trusted confidant—and that is the way it should have been—was his wife, Abigail. Walt Whitman said:

A man is a great thing upon the earth, and through eternity—but every jot of the greatness of man is unfolded out of woman.

I am reading the book also. I have had three copies given to me, three copies of this new book by David McCullough, the book titled “John Adams.”

He is, to a very considerable extent, in the shadows. Some years ago I read

his “Thoughts On Government.” He distributed these writings to the Framers at the convention in those critical days, and the Framers, I think, were wise in reading the words by Adams and I think their work, their work product, reflected the thoughts of John Adams.

One of the great books I have read in my lifetime was “The Path Between The Seas” by David McCullough, about the Panama Canal. David McCullough was kind enough to send me a copy of the book. The Senator who delivered it to me also autographed it. That Senator was Ted Kennedy. So I prize that book. But I thank the distinguished Senator from Nevada.

Mr. REID. Will the Senator yield.

I am glad you mentioned Abigail Adams for the wonderful letters the two of them wrote for each other. Here he was going to become President of the United States—he thought. He wasn't quite sure, you will find, as you get through the book. He wound up winning that election by three votes over Thomas Jefferson.

The letters from the very beginning, from Abigail to John, are wonderful. I mean, you could put those letters together—I am sure we have only seen a few of them that David McCullough selected. But they were love letters. These two people were madly in love with each other from the time they started writing, when he went away to do his government stuff, clear across the ocean. They would wait months, sometimes, to get answers to letters they had written. But I was terribly struck by the letter she wrote to John Adams when he learned he was going to be President of the United States. In this letter she expressed her love for this man that she couldn't bear to be away from, and that they would be together soon.

So you are absolutely right. John Adams could not have made it but for Abigail.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. DOMENICI. Will the Senator yield?

Mr. BYRD. Yes, I am happy to yield.

Mr. DOMENICI. I was present indeed at your invitation for that wonderful event. The reason I rise is to express to you what a great institution the Senate is, but the reason I say it to you is that over time you have, more than anyone else here, continually reminded people such as me what a great institution the Senate is. And you know, if you are not steeped in history, like I wasn't, or if you really didn't spend a lot of time other than in normal schooling on the constitutional framework, then you don't know about the heroes of the Senate. You may only know that the Senate is over there in Washington. But, essentially, when the Senator from West Virginia and the Senator from New Mexico, about 6 or 7 weeks ago got up on the floor and debated—I think the Senator from West Virginia wanted 3 hours and got 3

hours—on the issue of whether the Budget Act of the United States, a statute, in this instance, changed the basic Jeffersonian rules of the Senate or not, which the Senate voted with this Senator saying it did—50–49 is my recollection—I recall how passionate you were about reminding everyone what the rules of the Senate meant to the rights of the American people, to have their issues debated as long as the Senator, under the rules, could get them debated.

Who would have thought that was an important thing, until you figure out what they really had in mind for the Senate.

We are a very different institution than the House. Sometimes we get into arguments and deride each other—the House does this, the Senate does that, the upper and the lower, whatever the people say. But the truth is we are tied inextricably to the notion of there being sovereign States that make up America.

As a Senator, you find a way to tie that into the Senate and what we do; to the fact that the States have a tremendous amount of authority and autonomy in the United States. That is the way it is and should be. You represent your State and I represent mine. In a very real sense, we are permitted to do that because of what our Founding Fathers sacrificed to put the Senate into this basic governance approach.

Remind us, once again, of our origins and how important the Senate is, how much it was debated, of the great concern there was, and then to bring it current, as you do frequently, reminding us of what we are and who we are. I think it requires that somebody from way off in New Mexico congratulate you for how you do that.

What you had to say about the Senate, not just today but over these years, will be for however long we exist and clearly will never be forgotten as part of our fabric.

I am very pleased to be here as that fabric is woven by the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, a long time ago, I was a boy in the coal fields of southern West Virginia. My coal miner dad bought a fiddle for me. There was a lad in that coal mining community named Emanuel Manchini. I remember that little boy and his family. In those coal camps were Hungarian families, Czechoslovakians, Germans, Scotch, Italians, and Greeks. This little boy, Emanuel Manchini, also had a fiddle. We took lessons together at the high school.

So I have often listened to and looked at my friend here—this man of Roman stock. My, what a heritage he has. I don't know where his forbears may have originated—whether it was in the Apennines Mountains, or along the shore of the Tyrrhenian Sea, or the Adriatic or the Po Valleys, or on the boot of Italy. But there were stalwart people in that Roman Senate. I often

speak to Senator DOMENICI about the Roman Senate; what a great Senate.

Again, I refer to Majorian, the Emperor of the West in 457 A.D. As he was being made Emperor, he said he was “a prince who still glories in the name of ‘Senator’.”

I thank the Senator for his reminiscing time. I also thank the Senator from Nevada. I have been blessed by serving with both of these Senators.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter now pending before the Senate?

The PRESIDING OFFICER. H.R. 2311.

AMENDMENT NO. 980

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be considered original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. BYRD and Mr. STEVENS, proposes an amendment numbered 980.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 980) was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this afternoon we begin consideration for the Fiscal Year 2002 Energy and Water Development Appropriations Act. The legislation we take up today was reported unanimously from the full Committee on Appropriations last Thursday.

Before I begin my description of the contents of this bill, I want to share one strongly felt opinion with my colleagues. It is my opinion, I believe—I have a real suspicion that Senator DOMENICI, the ranking member of the subcommittee, will agree—that this subcommittee has always been among the most bipartisan in the Senate.

As I look back over the time that my role was filled by Bennett Johnston, I know he and Senator DOMENICI had an outstanding relationship. They worked

very closely together. This bill was always one of the first to come up. This bill is the second to come up this appropriations cycle. I have tried—and I have no doubt, based on my experience with Senator DOMENICI, that he has tried—to be as bipartisan as possible on this bill. Despite the unusual circumstances this year with the shift in power of the Senate, this tradition has continued unabated.

My friend, the senior Senator from New Mexico, and I have, with the tireless efforts of our very professional and good staff, produced a bill that we acknowledge is not perfect. But it addresses the important issues facing our Nation. There are many important issues we are dealing with in this legislation.

We received 300 more requests than last year on this bill. It is certainly fair to say that there have been over 1,000. Most requests were to enhance new funding for water projects within the Corps of Engineers, an organization the administration cut by 14 percent in its budget request this year. We have done in this bill as much as we can on a bipartisan basis to enhance the funding for these water projects.

Mr. President, you are a new member in the Senate. I think a lot of people who are new to the Senate and people outside the Senate would question water projects. Why do we need water projects? Are these things you throw to a House Member in his district to make him or her feel good? These water projects are essential to the country. There is criticism given to the water projects. We have added \$400 million to the budget of the Corps of Engineers, \$64 million to the Bureau of Reclamation.

I wish we could give three times that much to each organization. But with these additional funds, we have tried to accommodate as many requests and priorities as possible.

Let me give you a few examples of these water projects and why they are important. For the examples that I give, I will be very succinct. There are hundreds and hundreds of projects in this country that are life-and-death projects.

One is in the State of Nevada: Flood control. There are people who write all over the country: REID got pork for Las Vegas; flood control. People think: It never rains in Las Vegas. It rains 4 inches a year in Las Vegas—4 inches a year. You can get that much rain in other parts of the country in an hour, certainly in a day. But we get 4 inches a year in Las Vegas. Yet when it rains, it can be devastating because we have what we call cloudbursts.

Now we have 1.5 million, 1.6 million people in that valley. When that rain comes, it is very difficult. I can remember as a lieutenant governor, we were told by the Park Service that we were going to have to close a little facility on the Colorado River, Nelson's Landing. It has been there well over 100 years. We were going to have to close